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7
8 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 STATE OF CALIFORNIA, et al.,

11 Plaintiffs,

12 v.

13 INFINEON TECHNOLOGIES, AG, et al.,

14 Defendants.

Case No.: C 06-4333 PJH

**PLAINTIFF STATE OF VERMONT'S
NOTICE OF VOLUNTARY
DISMISSAL**

15 Plaintiff, State of Vermont, pursuant to Fed. R. Civ. P. 41(a), hereby dismisses
16 without prejudice the claims asserted by Plaintiff, State of Vermont, in the above entitled
17 action against the following defendants: Infineon Technologies AG; Infineon
18 Technologies North America Corp.; Hynix Semiconductor, Inc.; Hynix Semiconductor
19 America, Inc.; Micron Technology, Inc.; Micron Semiconductor Products, Inc.; Mosel
20 Vitelic, Inc.; Mosel Vitelic Corporation; Nanya Technology Corporation; Nanya
21 Technology Corporation USA, Inc.; Elpida Memory, Inc.; Elpida Memory (USA) Inc.;
and NEC Electronics America, Inc.

1 Pursuant to Fed. R. Civ. P. 41(a)(1)(A), a “plaintiff may dismiss an action without
2 a court order by filing (i) a notice of dismissal before the opposing party serves either an
3 answer or a motion for summary judgment.” Rule 41(a)(1)(B) further provides that “the
4 dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B). Here, Defendants have not
5 served Plaintiff, State of Vermont, with an answer or a motion for summary judgment.

6 Moreover, pursuant to Fed. R. Civ. P. 23(e), court approval and notice of
7 voluntary dismissal are required only of a “certified class.” The State of Vermont’s
8 claims are not on behalf of a certified class.

9 WHEREFORE the Plaintiff, State of Vermont, voluntarily dismisses its claims
10 without prejudice.

11 Respectfully submitted this 25th day of April, 2008.

12 STATE OF VERMONT

13 WILLIAM H. SORRELL
Attorney General of Vermont

14 By: /s/ Jennifer A. Giaimo
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